## RESOLUTION RE THROWING OPEN OF CANALS, TANKS &c., TO ALL CLASSES OF PEOPLE.

**MR. C. P. TARAKAN** (*Kunnátnad*): സർ, താഴെ പറയുന്ന നിശ്ചയത്തെ ഞാൻ സഭയുടെ ആലോചനയ്ക്കായി സമർപ്പിച്ചു കൊള്ളുന്നു:

*"This Council recommends to the Government that permission may be given for all canals and tanks, constructed or repaired at Government cost, being thrown open for the use of all people in the State without distinction of caste or creed."*

**MR. C. P. TARAKAN** (*Kunnatnad*): ഒരു പ്രമേയം ഞാൻഗവർമ്മെന്റിലേക്കയച്ചിരുന്ന സമയം റോഡുക്കുടി ഉൾപ്പെട്ടത്തീട്ടുണ്ടായിരുന്നു. എന്നാൽ അതിനെ സംബന്ധിച്ചു ഒരു സഭയിൽ വാദപ്രതിവാദം കഴിഞ്ഞു് ഒരു കൊല്ലം കഴിഞ്ഞിട്ടില്ലെന്നുള്ള കാരണത്താൽ ഗവർമ്മെന്റിൽ നിന്നും ആഭാഗം എടുത്തു കളഞ്ഞു. അതു കൊണ്ടാണു് ഒരു രീതിയ്ക്കു ഇവിടെ കൊണ്ടുവരാനിടയായതു്. റോഡും കുളവും ഉൾപ്പെട്ടത്തിയ സമയത്തു തോട്ടംക്കുടി അതിൽ ഉൾപ്പെട്ടത്തിയെന്നല്ലാതെ തോട്ടകർം എല്ലാജാതിക്കാരുടേയും ഉപയോഗത്തിൽ ഇരിക്കുന്നതു എനിക്കറിവുണ്ടെന്നും അതിനെ സംബന്ധിച്ചു എനിക്കൊന്നും പറയാനില്ലെന്നും പറഞ്ഞു കൊള്ളുന്നു.

സർക്കാരിൽ നിന്നും ധനം ചിലവു ചെയ്യുന്ന എല്ലാ സംഗതികളിലും സംസ്ഥാനത്തുള്ള നാനാജാതിമതസ്ഥന്മാർക്കും ഒരുപോലെ അവകാശമുണ്ടായിരിക്കണമെന്നുള്ള തത്വം ഗവർമ്മെന്റും സമ്മതിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ഇങ്ങനെയുള്ള സംഗതികൾ ചില പ്രത്യേക ജാതിക്കാരുടെ ആവശ്യത്തിനായി മാത്രം വച്ചുകൊണ്ടിരിക്കുന്നതു കേവലം അനീതിയായിട്ടുള്ള ഒന്നാണു്. സംസ്ഥാനത്തിലെ നാനാജാതിമതസ്ഥന്മാരായ ആളുകൾ അന്യോന്യം സൌഹാർദ്ദത്തോടുവർത്തിക്കയും സംസ്ഥാനത്തെ സമുദായങ്ങൾ തമ്മിലുള്ള മത്സരങ്ങൾ കുറയുകയും ചെയ്യുന്നതിനു ഒരു വക അനാവശ്യങ്ങളായ നിബന്ധനകളും ആചാരങ്ങളും കുറച്ചുവയ്ക്കേണ്ടതാണു്. ഗവർമ്മെന്റു അപ്രകാരം പ്രവർത്തിച്ചാൽ നാനാജാതിമതസ്ഥന്മാരുടേയും സംരക്ഷണസ്ഥാനം ഗവർമ്മെന്റു വഹിക്കുന്നു എന്നുള്ള ബോധം ആളുകൾക്കുണ്ടാകും. അങ്ങനെ പ്രവർത്തിക്കേണ്ടതു ഗവർമ്മെന്റിന്റെ പ്രധാന ചുമതലകളിൽ ഒന്നാണു്. അതിനാൽ ഒരു അഭിപ്രായത്തെ വലിയപ്രയാസം കൂടാതെ ഗവർമ്മെന്റു സ്വീകരിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു. ഒരു പുതിയ സംഗതി ചെയ്യുമ്പോൾ പ്രായേണ ചിലഭാഗങ്ങളിൽ കുറെ കരച്ചിലും പല്ലുകടിയും ഉണ്ടാ

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കുമെങ്കിലും അതു ഭയപ്പെട്ടു ഗവർണ്മെൻറു ആ വക സംഗതികളിൽ പ്രവേശിക്കാതിരിക്കരുതെന്നാണ് എനിക്കു പ്രധാനമായി പറയാനുള്ളതു്. അങ്ങനെ ഒരു സംഗതി നടപ്പിൽ വരുത്തുന്നപക്ഷം ആകാശം ഇടിഞ്ഞു വിഴുമെന്നോ ഭൂമി പിളർന്നുപോകുമെന്നോ ആരെങ്കിലും പറഞ്ഞാൽ അതു കേട്ടു ഭയപ്പെടുന്നതു കൊണ്ടു മാത്രമേ ദോഷമുണ്ടാകാനുള്ളു എന്നാണ് എന്റെ അഭിപ്രായം. എല്ലാ ആളുകളുടേയും അവകാശങ്ങളെ ഗണിച്ചു ഗവർണ്മെൻറു ന്യായമായി പ്രവർത്തിക്കുന്നപക്ഷം യാതൊരു വിധത്തിലുള്ള അനിഷ്ടസംഭവങ്ങൾക്കും ഇടയാകയില്ലെന്നും ന്യായമായി പ്രവർത്തിക്കുന്ന ഒരു ഗവർണ്മെൻറിനോടു യാതൊരു വിധത്തിലും ഉള്ള ഉപദ്രവങ്ങൾ ചെയ്യാൻ ജനസാമാന്യം തയാറാകയില്ലെന്നും ഞാൻ അറിയിച്ചു കൊള്ളുന്നു. അതിനു പല ഉദാഹരണങ്ങളും ഉണ്ടു. സംസ്ഥാനത്തിലുള്ള എല്ലാസ്കൂളുകളിലും എല്ലാജാതിക്കാരേയും പ്രവേശിപ്പിക്കണമെന്നുള്ള ഒരുത്തരവു സർ. പി. രാജഗോപാലാചാരിയുടെകാലത്തു നടപ്പിൽ വരുത്തി. അസമയം പല വിധത്തിലുള്ള ഭാഷണികളും പുറപ്പെട്ടു. എങ്കിലും പൊതുജനങ്ങളുടെ അവകാശത്തെ ന്യായമായിപാലിക്കാൻ ഗവർണ്മെൻറു് ധൈര്യത്തോടുകൂടി തയ്യാറായിരിക്കുന്നു എന്നുള്ളബോധം ജനസാമാന്യത്തിന്റെ ഇടയിൽ വ്യാപിച്ചതോടുകൂടി ആവക ഭാഷണികളും ഇല്ലാതായി പോയി. അടുത്ത കാലത്തു വയ്ക്കം റോഡിനെ സംബന്ധിച്ചും മഹാറാണി റീജൻറു തിരുമനസ്സിലെ ഗവർണ്മെൻറിൽ നിന്നും ധൈര്യമായി ജനസാമാന്യത്തിന്റെ അവകാശത്തെ ഗണിച്ചു് പ്രവർത്തിച്ച സമയം യാതൊരനിഷ്ടസംഭവങ്ങളും ഉണ്ടായില്ലെന്നും നമ്മുടെ ഇപ്പോഴത്തെ പൊലീസുകമ്മിഷണർ മിസ്റ്റർ പിറും അദ്ദേഹത്തിന്റെ അനുചരന്മാരുമുള്ള കാലം പൊതുജനങ്ങളുടെ ന്യായമായ അവകാശത്തെ ഗവർണ്മെൻറു ഗണിച്ചു പ്രവർത്തിക്കുന്നതിൽ അനാവശ്യമായ മത്സരങ്ങളും ലഹളകളും ഉണ്ടാകയില്ലെന്നും അദ്ദേഹത്തെ ആ സംഗതി എത്രയും വിശ്വാസമായി ഏൽപ്പിക്കാമെന്നും ഞാൻ ഒരു അവസരത്തിൽ ഗവർണ്മെൻറിനെ അറിയിച്ചു കൊള്ളുന്നു.

**MR. KALLUR NARAYANA PILLAI** (*Pattanamtitta*): ക്ഷേത്രവളപ്പിനു സമീപമുള്ള കുളങ്ങളേയും കൂടി ഉൾപ്പെടുത്തീട്ടുണ്ടോ?

**MR. C. P. TARAKAN** (*Kunnatnad*): ക്ഷേത്രക്കുളങ്ങളെ ഒന്നും ഞാൻ ഉൾപ്പെടുത്തീട്ടില്ല.

**MR. KALLUR NARAYANA PILLAI** (*Pattanamtitta*): ക്ഷേത്രമതിലിനു വെളിയിൽ ഉള്ളതും ദേവസ്വങ്ങളിൽ നിന്നും സംരക്ഷിച്ചു വരുന്നതുമായ കുളങ്ങളെ ഒഴിച്ചാണോ?

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MR. C. P. TARAKAN (*Kunnatnad*): അവയേയും ഞാൻ ഉൾപ്പെട്ടത്തീട്ടില്ല.

MR. C. N. TUPPAN NAMBUTIRI (*Jenmies*): ദേവസ്വം വേർ തിരിച്ച സമയം അതിനെ സംബന്ധിച്ച കുളം മുതലായവയെ വേർ തിരിച്ചിട്ടില്ലെന്നുള്ള സംഗതി മെംബറിനറിയാമോ?

MR. C. P. TARAKAN (*Kunnatnad*): അതെനിക്കു നിശ്ചയമില്ല.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha cum Todupuzha*): ജനങ്ങളുടെ ഇടയിൽ സഹോദര്യവും ഐകമത്യവും വർദ്ധിക്കുന്നതിനുപയുക്തമായ ഒരു പ്രമേയമാണ് ഇതു്. അതിനാൽ ഞാൻ ഇതിനെ വൃദയപൂർവ്വം പിൻതാങ്ങികൊള്ളുന്നു. പ്രജകളെല്ലാം രാജ്യമാകുന്ന ഭവനത്തിലെ തുല്യാവകാശമുള്ള സഹോദരങ്ങളാണെന്നുള്ള ബോധം പരക്കെ വ്യാപിക്കേണ്ടതു ഒരു രാജ്യത്തിന്റെ ക്ഷേമത്തിനു് ഏറ്റവും അത്യാവശ്യമാണു്. ബ്രാഹ്മണരായാലും നായന്മാരായാലും മഹമ്മദിയരായാലും ക്രിസ്ത്യാനികളായാലും രാജ്യത്തെ തുല്യാവകാശമുള്ള സഹോദരന്മാരാണു്. യോജിച്ചു രാജ്യക്ഷേമത്തിനായി യത്നിക്കേണ്ടതു തങ്ങളുടെ കടമയുമാണു്. ഈ ബോധം വളരണം.

MR. C. N. TUPPAN NAMBUTIRI (*Jenmies*): അങ്ങനെ യോജിച്ചു പ്രവർത്തിക്കണമെന്നുള്ളതു കുളം കിണറു മുതലായ സംഗതിയിൽ മതിയെന്നാണോ മെമ്പർ ഉദ്ദേശിക്കുന്നതു? അതോ ഉദ്യോഗസംബന്ധമായ കാര്യങ്ങളിലും വേണമെന്നുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha cum Todupuzha*): എല്ലാകാര്യങ്ങളിലും പൊതുവാവകാശം ഒരു പോലെയിരിക്കണം. ഒന്നു് ഇതു്. ജനങ്ങളുടെയിടയിൽ മത്സരവും വിദ്വേഷവും ഉണ്ടാകുന്നകാര്യങ്ങളെ കഴിവുള്ളിടത്തോളം ഇല്ലായ്മ ചെയ്യേണ്ടതു് ഗവർണ്മെൻറിന്റെ ധർമ്മമാണു്. ഗവർണ്മെൻറുണ്ടാക്കീട്ടുള്ള കുളങ്ങളിൽ ചിലതുള്ളകാം കുളിക്കയും മറു ചിലർക്കു് ആ കുളത്തിന്റെ സമീപം പോലും പോകാൻ നിവൃത്തിയില്ലാതിരിക്കയും ചെയ്യുന്നതു് വലിയ കഷ്ടമാണു്.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): അങ്ങനെ തടസ്ഥമുള്ള ഏതെങ്കിലും ഒരു കുളം പൂണ്ടിക്കാണിക്കാൻ സാധിക്കുമോ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha cum Todupuzha*): പലതും പൂണ്ടിക്കാണിക്കാൻ സാധിക്കും.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*): ഒന്നെങ്കിലും?

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**MR. TARIATU KUNJITOMMAN** (*Muvattupuzha* cum *Todupuzha*): ഒരം പ്രമേയകത്താവിന്റെ താലൂക്കിൽ തന്നെ ഒരു കുളം ഉണ്ടു. അത് ക്ഷേത്രത്തിൽ നിന്നും ദൂരെയാണ് സ്ഥിതി ചെയ്യുന്നത്. ക്ഷേത്രസംബന്ധം ഇല്ല. ആ കുളത്തിന്റെ പേർ എനിക്കു നിശ്ചയമില്ല. ഒരം കുളഞ്ഞിലും മറവും പട്ടിയും കാളയും ഇറങ്ങിവെള്ളം കുടിക്കാൻ ഒരു പ്രയാസവുമില്ല. മനുഷ്യവസ്ത്തിൽപ്പെട്ട തങ്ങളുടെ സഹോദരന്മാർ ഇറങ്ങുകയാണെങ്കിൽ അത് വലിയ തരക്കേടായിപോയി എന്നു പറയുന്നു. അത് വലിയ കഷ്ടമാണ്.

**MR. C. KERALAVARMA KOIL TAMPURAN** (*Edavagai*): വളരെ ആളുകൾ ഒരം വിധം ചെയ്യാൻ പാടില്ലെന്നു പറയുന്നവർ ഒരം രാജ്യത്തിലുണ്ടെന്ന് മെമ്പറിനറിയാമോ?

**MR. TARIATU KUNJITOMMAN** (*Muvattupuzha* cum *Todupuzha*): അതിനെക്കാൾ അധികം ആളുകൾ പൊതുവേ കാശം എല്ലാ സംഗതികളിലും ഒന്നുപോലെയിരിക്കണമെന്നു വാദിക്കുന്നുണ്ട്.

**MR. C. KERALAVARMA KOIL TAMPURAN** (*Edavagai*): പ്രത്യേകമായി പണം ചിലവു ചെയ്തു കുളം വെട്ടികൊടുത്താൽ പോരെ?

**MR. TARIATU KUNJITOMMAN** (*Muvattupuzha* cum *Todupuzha*): അങ്ങനെ ചെയ്യുന്നതിനെക്കാൾ കുളത്തിൽ കുളിക്കാൻ അനുവദിക്കുന്നതാണ് നന്ന്.

**MR. C. KERALAVARMA KOIL TAMPURAN** (*Edavagai*): അത് തന്നെ സൌഹാർദ്ദത്തിന് വിരോധമായി വരുമെന്ന് മെമ്പറിനറിയാമോ?

**MR. TARIATU KUNJITOMMAN** (*Muvattupuzha* cum *Todupuzha*): ചിലകുളങ്ങളിൽ എല്ലാവർക്കാരും കുളിക്കുന്നുണ്ട്. അവിടെ സൌഹാർദ്ദ ഭംഗം വരാതിരിക്കുന്നുണ്ട്.

**MR. C. KERALAVARMA KOIL TAMPURAN** (*Edavagai*): കുറച്ചു കാലമായി നടക്കുന്ന സംഗതിയെ ഭേദഗതിചെയ്യുന്നതിന് ജനങ്ങളുടെ ഇടയിൽ വിരോധം ഉണ്ടാകയില്ലേ?

**MR. TARIATU KUNJITOMMAN** (*Muvattupuzha* cum *Todupuzha*): സാധാരണ ഉണ്ടാകും. ഒരം രാജ്യത്തുണ്ടായിട്ടുള്ള ഓരോ പരിഷ്കാരങ്ങളും ഭേദഗതികളും സംബന്ധിച്ച് പലക്കും ഓരോകാലത്തു വിരോധം ഉണ്ടായിരുന്നു. അതിനുദാഹരണമാണ് എന്റെ സ്നേഹിതൻ മിസ്റ്റർ തരകൻ എല്ലാവർക്കാരേയും സ്കൂളിൽ പ്രവേശിപ്പിച്ച സംഗതി പറഞ്ഞത്.

**MR. C. KERALAVARMA KOIL TAMPURAN** (*Edavagai*): ഇതിലൊക്കെ ക്രമേണ പ്രവേശിക്കേണ്ടതല്ലേ?

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MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): ക്രമേണതന്നെയാണ്. സ്കൂൾ കഴിഞ്ഞ് ക്രമത്തിലാണ് കുളത്തിൽ കട ക്കുന്നത് (ചിരി).

MR. C. KERALAVARMA KOIL TAMPURAN (*Edavagai*): അതിനുള്ള സമയമായിട്ടുണ്ടെന്നു മെമ്പർ വിചാരിക്കുന്നുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): ആയിട്ടുണ്ടെന്നാണ് ഞാൻ വിചാരിക്കുന്നത്. ക്ഷേത്രമതിലനകത്തുള്ള കു ളങ്ങളെ ഒന്നിനേയും ഉദ്ദേശിച്ചിട്ടില്ല. റോഡരുകിലുള്ളതും ഗവർണ്മെ ന്റു മുതൽ കൊണ്ടു നന്നാക്കി വരുന്നതുമായ കുളത്തെപറ്റിയാണ് പറ യുന്നത്. അങ്ങനെയുള്ള കുളത്തെ പൊതുവിൽ ഉപയോഗിക്കുന്നതിന് തടസ്സം ഉണ്ടാക്കുന്നത് ജനങ്ങളുടെ സഹോദര ഭാവത്തിനും സമാധാന ത്തിനും പ്രതിബന്ധമുണ്ടാക്കുന്നതാണ്.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): ക്ഷേത്രക്കുളങ്ങളെല്ലാം മതിലിനു വെളിയിലായിരിക്കുമെന്നു മാസ്റ്റർ കുഞ്ഞി ത്തൊമ്മനറിയാമോ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): ചുരുക്കം ചിലസ്ഥലങ്ങളിൽ അകത്തും കുളമുണ്ട്?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): അങ്ങനെ വെളിയിലുള്ള കുളത്തെക്കൂടെ ഉൾപ്പെടുത്തീട്ടുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): ചില കുളങ്ങളെ അങ്ങനെ ഉണ്ടായിരിക്കും.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): മതിലകത്തു കുളമുള്ളതായി പറയാമോ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): ചിലതെല്ലാം പറയാൻ കഴിയും.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): ക്ഷേത്രകുളങ്ങളെല്ലാം മതിലിനു വെളിയിലാണ്. അതിനെ ഈപ്രമേയ ത്തിൽ സംബന്ധിച്ചിട്ടുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): ക്ഷേത്രസംബന്ധമായ കുളങ്ങളെല്ലാം ക്ഷേത്രത്തിന്റെ അധീനത്തിലാ യിരിക്കും. അവയെ ഉൾപ്പെടുത്തീട്ടില്ല. അങ്ങനെ ഉൾപ്പെടുത്തീട്ടുണ്ടെ ങ്കിൽ ഞാൻ ഈ പ്രമേയത്തെ പിൻതാങ്ങാൻ ഒരുക്കമില്ല. അങ്ങിനെ ഉൾപ്പെടുത്തീട്ടില്ലെന്നാണ് ഞാൻ ധരിച്ചിരിക്കുന്നതു്.

ഞാൻ ഈ പ്രമേയത്തെ പൂർണ്ണമായി അനുകൂലിച്ചു കൊള്ളുന്നു.

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**MR. C. P. KOCHUKUNJU PILLAI** (*Kottarakara* cum *Kunnattur*) : Sir, I rise to a point of order. The resolution, as it stands, includes all tanks, irrespective of tanks belonging to temples. The discussion is now being carried on only with regard to tanks exclusive of those that belong to temples. So, how is it possible for us to continue the discussion on the resolution as it stands? Unless it is amended by the mover, I think we cannot proceed with our discussion.

**PRESIDENT** : The discussion on the other points would not be admissible if it comes under Devaswoms.

**MR. C. P. TARAKAN** (*Kunnatnad*): It may be amended as canals, etc. other than those belonging to temples. I have no objection to that amendment.

**MR. C. P. KOCHUKUNJU PILLAI** (*Kottarakara* cum *Kunnattur*) : My point is that the amendment of the resolution on the lines conceded by my friend has to be made before we can proceed to the discussion of the resolution in the amended form. The amendment has to be placed before the Council and accepted by the President, and then only can the discussion proceed.

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*) : Sir, I believe that, when the discussion is over, the amendment will have effect not only with regard to Devaswom matters but with regard to ever so many other matters.

**MR. C. P. TARAKAN** (*Kunnatnad*) : I have got all that in my mind. I may refer to them at the time when the amendment comes before the House.

**MR. K. C. MAMMEN MAPPILLAI** (*Commerce and Industry, North*) : The object which Mr. Tarakan had in bringing this resolution before the House is, I am sure, to restrict only to the opening of such tanks as will be acceptable to the majority of the members of this House. Whatever may be the implications which, I am sure, must not have been meant by Mr. Tarakan, I think it was an entirely inoffensive resolution that he wanted to place before this House. It is far from the mind of Mr. Tarakan or, for the matter of that, any other member of this House, to get a resolution passed by this House, permitting all classes of people to desecrate tanks which may in any way be connected with temple use. Excluding such tanks as can be said, in any way, even remotely, to be connected with the use of temples, I do not think the number of tanks or canals, that are restricted to any particular community, is very many. And if there are—but to my knowledge there are not many tanks that can be brought under this category—if there are canals, tanks and waterways which are not connected with temple use and which are even now restricted to any particular community, I feel sure that the members of this House will not in any way object to such tanks being thrown open to all classes of Her Highness' subjects. Such being the case, I believe, this discussion will not be permitted to degenerate into a subject calling for hot passion or unnecessary prejudice. Viewed in this aspect of the matter to which the mover of the proposition will not have the least objection, the resolution, I hope, will commend itself to the members of the House.



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**PRESIDENT**: I should think, Mr. Mammen Mappillai, in that case it is possible for you to move an amendment in those terms.

**MR. K. C. MAMMEN MAPPILLAI** (*Commerce and Industry, North*): I move that "such tanks and waterways as are not in any way connected with temple use, and constructed by temple funds—

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): "though maintained and repaired at Government cost" are to be excluded from the resolution?

**MR. C. P. THOMAS** (*Nominated*): I second it.

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): Sir, I think I must say a few words before the discussion proceeds further. My friends, Messrs. Mammen Mappillai and the mover of the resolution, I am sure, were prepared to concede that tanks near temples or used for temple purposes may be exempted. But I do not think it can stop there. The object of the resolution is that all classes of Her Highness' subjects should have equal rights over tanks. I do not think that the tank is a matter in which all classes should have equal rights in the sense that, if one does not possess a right, he should be regarded as not belonging to the public. The resolution forgets for the moment that "public" may mean a "section of the public." It has been so defined in the General Clauses Regulation. So that a tank intended for the use of a particular community may yet be regarded as a public tank, though maintained and constructed out of public funds. I need only instance tanks which are very near streets and other places where particular communities live and use these tanks, although they are maintained and constructed out of public funds. Other communities are not even allowed to come near these tanks. Yet they are public tanks. Therefore, I do not know whether it will be possible for the Council to make any recommendation in regard to this matter.

Apart from those tanks which are intended for the use of temples, there are tanks which appertain to Palaces which are not within Palaces but which are in front of them or near them and are used only by a certain section of the public. They are under municipalities over which Government have absolutely no control. Therefore, the recommendation which is proposed to be conveyed by the resolution will be infructuous so far as these tanks are concerned.

There are other tanks, which, I believe, my Christian friends are not aware of. They do not know also the practice obtaining in certain communities. In this particular instance, I am speaking on behalf of Brahmins. When any death occurs in that particular community, certain funeral rites have to be performed in the tank for ten days from the date of the death. That tank is supposed not to be polluted. That tank is supposed to be intended to be used only by certain communities. I do not think I need go beyond that. In other words, it is not open to all the communities. All the ten days, every morning, some religious rites have to be performed. Such tanks need not necessarily be near temples nor need they be attached to Palaces.

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If these tanks have to be included, there will be a very serious inroad upon the religious sentiments of that particular community. Because it may not be possible for them to perform these rites in places where there are no rivers, excepting tanks included in the above-mentioned category, and that will be a very difficult thing indeed; so that what we have to exclude are tanks near temples, tanks near Palaces and tanks vested in municipalities and tanks used by particular communities.

That being the case,if all these are omitted, I can assure the House that there will not be any serious objection to the acceptance of the resolution. The resolution, as it stands, is highly objectionable. It is likely to create serious misgivings and intrude upon the religious sentiments and feelings of the members of a particular community. That is why I say that, in regard to the wording of the resolution, we have to provide sufficient safeguards.

I have not known an instance in which a requisition was made to the Government to throw open tanks for the use of the public and where, subject to these restrictions, the Government were not willing to throw open such tanks. Unless these conditions are kept in view, it is impolitic to discuss such vague resolutions without any knowledge of the conditions and circumstances of each particular tank. If any requisition is made with respect to a particular tank, Government will have to go into the question and enquire into the peculiar circumstances of the case with the customs and usages obtaining in that tank. If, after all that, Government are satisfied that there is no objection to the tank being thrown open, it can by all means be thrown open. But, if, instead of that, there is the resolution saying that all tanks irrespective of the merits of each case should be thrown open, then, I say there is the difficulty. The Government will find it impossible to accept the resolution and to give practical effect to it. I do not think that any of my friends suggested that, when any request was made to throw open a particular tank, there was opposition from Government or anybody else and therefore the tanks which they were legitimately entitled to use were not thrown open to them. In the absence of any specific instance, we are not here to discuss the possibilities of a hypothetical case. Unless specific instances are given, which may be examined by the members of this House as to whether a particular tank can be thrown open or not and then the discussion concentrated, I believe, it will not be possible to do anything. The least objectionable way in which I would amend the resolution is to add the words "as far as possible".

**MR. T. J. MATTHEW** (*Changanachery* cum *Peermade*): May I know whether the tanks to which reference was made by Mr. Subba Aiyar are constructed or maintained by Government?

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): Yes. Because I know, as a matter of fact, Government never contended that, unless any particular institution, a tank, a well or any other institution will benefit all communities alike, Government should not spend money. I should then bring this aspect of the matter for consideration. The

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[Mr. V. Subba Aiyar.]

persons who constructed the wells inside the Fort at Trivandrum intended them for the use of particular streets as a matter of public charity and the inhabitants have been using them for a very long time and therefore if such wells—I do not think there is much difference between a tank and a well, a tank is only a big well and it is a question of degree—are to be thrown open to all communities, I say there would be a serious objection.

Therefore, when we say that a well may be included in this category, I do not think any particular community living in any particular locality will under any circumstance agree that it may be thrown open to all the communities alike. I may here point out that, although they are maintained out of public funds, the people have acquired a right over them. That is to say, if from past usage and custom it can be inferred that that tank was intended only for the use of a particular community, I do not think Government will be justified in throwing that open to all classes of people.

MR. K. I. JOSEPH (*Minachil cum Devicolam*): May I know whether that community, exclusive of others, had the right to use the tank?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Yes, certainly. We can know it more or less. I do not think I need travel far. Everywhere, law is supposed to be a recognition of existing usage and custom.

That law has been maintained even in the case of roads. Here there is a distinction between one class of roads and another class of roads. Therefore, law recognises definite usage and custom. That being the case, I do not think it is possible to say, of a tank constructed and maintained for a particular community, that it is intended for the benefit of all communities. In such a case, it will be an intrusion upon the rights of that community. Therefore, I beg to submit that, if my friends on this side of the House, namely Mr. Mammen Mappillai and others, are interested in seeing that all tanks may be thrown open, the words "as far as possible" be introduced there, leaving it to Government to examine the question, to take tank after tank, to take its past history, consult the various persons who are interested in it and see what can be done in the matter. Without doing that, it may not be possible to throw open any tank at all.

I do not know whether we are not descending more into the theoretical rather than the practical aspect of the question. If we pass the resolution, Government must be able to know the facts and circumstances that I have enumerated.

Under such circumstances, I press it in all seriousness on the attention of the House that the resolution, as it stands, is likely to cause serious mischief, is likely to cause serious hardship and is likely to cause very serious inroad upon the religious sentiments of particular communities.

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**MR. C. P. THOMAS** (*Nominated*): May I know from the member, whatever may have been the circumstances in which these tanks were constructed or maintained, whether Government will be justified in withdrawing their maintenance?

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): It may be open to them to withdraw the maintenance, and ask the people who wish to use these tanks exclusively to maintain them. I perfectly agree to this. But even there, I would say that there is a Section in the General Clauses Regulation defining the word "public". It is open to my friend Mr. C. P. Thomas to bring in an amendment to that regulation by means of a non-official Bill and say that "public" should not be defined so. If the word "public" includes a section of the public, it will be quite good to satisfy the requirements of that section when we say that public funds may be utilised for the purpose of a section of the public. I do not think therefore that the money spent for the benefit of a particular community should be regarded as money spent for the benefit of the whole people of the State. Whether Government will be justified in withdrawing the maintenance is another matter. But even there I would say that Government will not be justified. I know as a matter of fact that there are very many examples in the Budget estimate itself. We find that provision is allotted in the Budget to sink wells in so many places for the use of particular sections of the community.

There is no use in saying that we are all advanced, that the theory of universal brotherhood should be applied. All that I will say is that, so far as religious matters are concerned, there should be no reason why these sentiments should not be respected, especially when there are tanks which are intended only for religious purposes.

I do not know whether, after that, the next step will be for the municipal authorities or others to say that tanks intended for the use of particular communities should be thrown open to all. Even there the theory of equality will have to go to the ground because men and women will not bathe in the same ghaut. If certain communities observe certain usages and if their sentiments are likely to be affected, we must surely provide them with the same amenities as the other communities. If, instead of doing that, we bring in a proposition that all tanks should be thrown open irrespective of their situation and disregarding religious sentiments and past usages and vested interests, I say that it will be rather a dangerous precedent to follow.

**MR. CHANGANACHERY K. PARAMESVARAN PILLAI** (*Quilon*): May I know whether the communities whose religious sentiments or prejudices have to be respected will pay for the construction and maintenance of these wells?

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): Every community pays tax and there is no reason why a particular community should pay an additional amount for the maintenance of these tanks. For instance, there are roads in one place which the people of other places are not using. It is not meant that the whole of the public should use it.

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MR. C. P. TARAKAN (*Kunnatnad*): I suppose the public are at liberty to use those roads.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Of course a section of the people who have been using it will be allowed to use it.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I am sorry I cannot agree to the resolution in its present form. My work is considerably lightened by the speech of my esteemed friend Mr. Subba Aiyar.

MR. K. K. THOMAS (*Kottayam*): May I know whether Government are going to adopt a neutral attitude in regard to this matter or are going to take any side?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The member will be able to know from my speech what the attitude of Government is in the matter.

I am glad to know from the learned mover that it is not meant to include within the scope of the resolution tanks which are in any manner connected with temples or Devaswoms, though they might have been constructed by Government and though some repairs might have been executed by Government out of the general revenues of the State, so that the resolution reduces itself to a small compass. There are, however, other difficulties in the way of all tanks repaired or constructed by the Government being thrown open to all classes alike. As pointed out by Mr. V. Subba Aiyar, there are certain streets which are inhabited by particular communities and there are also tanks in these streets which have all along been used only by the people occupying those streets. If all on a sudden an innovation is to be introduced whereby such tanks are thrown open for all classes, I am afraid that such a proceeding may lead to a serious breach of the peace. Whatever may be the educated opinion in the land in this matter, there is no ignoring the fact that the ordinary masses have not as yet come to the condition when they would take to these changes readily.

MR. N. KUMARAN (*Nominated*): May I know what the Chief Secretary means when he says 'ordinary masses'? Does he include the Brahmin community?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): No. I speak of some members of all communities and not the Brahmin community alone. It is the community as a whole that I talk of.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Does he include the Nair community also?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): There are members in all the communities who do not readily take to these changes.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I know whether he includes the literate portion of the communities?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): There are some who are literate but still cling to these sentiments.

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While I was the District Magistrate of Quilon, a dispute between the Sambavars and Pallars in the Klangad *pakkthi* in Shencottah taluk came up. These Sambavars used to go freely through a certain way which was lined on either side by houses belonging to Pallars. On a petition presented to me that the Pallars were preventing them from proceeding along that way, I wanted to satisfy myself as to the intensity of feeling which existed between the two communities and I went there for the purpose of inspection. A large number of Pallars and Sambavars collected on the spot. I went just to enquire what the cause of the difference was and I must say that I was in imminent danger of being assaulted. For their life the Pallars would not permit the Sambavars to enter the street. If I had not visited the place, I would have granted permission to these Sambavars to pass along the way. In that case I am quite sure that there would have been a number of deaths and serious bloodshed.

**MR. N. KUMARAN** (*Nominated*): Is the Chief Secretary of opinion that the density of ignorance among the Sambavars and Pallars is of the same degree as the density of ignorance among the Brahmins and Nairs?

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): I have not been able to measure the density at all. (*Laughter.*)

But I must say there is the same intensity of feeling among all the communities and this is a question, more or less, of religious and social reform in which the hands of Government cannot be forced; nor are Government in their executive capacity able to do much in that direction.

**MR. K. K. THOMAS** (*Kottayam*): May I know from the Chief Secretary that the Government are enforcing social reform by putting Pulayas and other low class people in schools?

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): All the other people are now putting up with the situation.

**MR. K. K. THOMAS** (*Kottayam*): Was not Government expediting the principle of social reform when at the beginning some of the students were allowed to join the Neyyattinkara and Nedumangad schools?

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): Government can take into account only the general feeling that prevails in the country and not individual cases in matters of this kind.

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): Did any religious sentiments come into play when these people were admitted to the schools?

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): I am aware of none.

This House and the people outside know what the general attitude of Government has been in these matters. Wherever possible and to the extent possible, equality of civic rights and equal opportunities have

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[Mr. K. Narayanan Pandalay.]

been allowed to all the communities alike. But in order to satisfy the self-respect and sentiments of one community, it is not possible to sacrifice the religious sentiments of other communities. After all, what is the object of this change? It is to promote fellow-feeling and good-will among the communities. The object will be defeated if Government should by a stroke of the pen introduce a reform against the will of particular communities. If, as suggested by Mr. V. Subba Aiyar, the tanks which he specifies could also be excluded from the scope of the resolution, there would be no difficulty.

**MR. CHANGANACHERY K. PARAMESVARAN PILLAI** (*Quilon*): What are those tanks that should be excluded?

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): I cannot specify them off-hand. It is not possible at present to catalogue all the tanks which will have to be excluded from the scope of the resolution. Therefore the best thing to do will be to consider each case on its merits. If, in the case of a particular tank, Government see no objection, they will not hesitate to throw it open to all classes. As stated by Mr. Subba Aiyar, it is not in every case of expenditure by Government that it could be said to be for the benefit of the people of the country as a whole. Local needs have also to be attended to and, if expenditure is incurred on those local needs, the expenditure cannot be characterised as one not intended for the benefit of the public.

**MR. N. KUMARAN** (*Nominated*): May I know whether the Government approve of the idea of digging any number of tanks for each community as necessities arise and as was suggested by a member from this side of the House?

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): If the necessity is made out, I do not think Government need hesitate in providing tanks?

**MR. N. KUMARAN** (*Nominated*): May I understand that the Government are prepared to spend their funds for the purpose of digging separate tanks for each community?

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): Government have been doing that. I do not think that, if the necessity is made out to the satisfaction of Government, they will be unwilling to incur that expenditure.

With these remarks, Sir, I beg to oppose the resolution in its present form.

**MR. C. P. THOMAS** (*Nominated*): May I know whether Government are prepared to collect statistics to show how many tanks throughout the State are now used exclusively by particular communities?

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): Government will have to enquire and obtain statistics.

**MR. G. RAMAN MENON** (*Mavelikara cum Kartikapalli*): If permitted, I shall move an amendment to avoid some of the difficulties

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pointed out by some of the speakers. I beg to move that the resolution may be recast as follows:

"This Council recommends—

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): May I know whether a member without either opposing or supporting the resolution can bring forward an amendment to the same?

**MR. G. RAMAN MENON** (*Mavelikara* cum *Kartikapalli*): Have I permission, Sir,

**PRESIDENT**: Yes.

**MR. G. RAMAN MENON** (*Mavelikara* cum *Kartikapalli*): I would word the resolution thus:—

"This Council recommends to the Government that sirkar funds should not be spent for constructing or repairing public tanks or canals unless they are open for the use of all people in the State without distinction of caste or creed."

**PRESIDENT**: It is not an amendment; but it is a new resolution and therefore is not in order.

**MR. C. N. TUPPAN NAMBUTIRI** (*Jennies*): സർ, മിസ്റ്റർ രാമകൻറെ പ്രമെയത്തോട് അനുകൂലിക്കാൻ സാധിക്കാത്തതിൽ വ്യസനിക്കുന്നു. പല ജാതിക്കാരും മതക്കാരും ഏകോദരസഹോദരങ്ങളെപ്പോലെ പെരുമാറണമെന്നുള്ള ഉദ്ദേശത്തെ ഞാൻ അഭിനന്ദിക്കുന്നു. പക്ഷെ ഗവർമെൻറു മുൻകൂട്ടന്ന അവരെ അതിലേക്കു നിർബന്ധിക്കുന്നത് ഭംഗിയല്ലാ. കുളം കിണറു മുതലായ ജലാശയങ്ങൾ ഓരോ ജാതിക്കാരും പ്രത്യേകം പ്രത്യേകം ഉണ്ടാക്കുകയൊ സംരക്ഷിക്കയൊ അതിലേക്കു ഗവർമെൻറു വല്ല ധനസഹായം ചെയ്യുകയൊചെയ്യുമ്പോൾ അത് എല്ലാവക്കും ഉപയോഗിക്കത്തക്കതായിരിക്കണമെന്നു മറ്റുള്ളവർ പറയുന്നതു് അതു നന്നായിരിക്കുമെന്നു തോന്നുന്നില്ലാ. ഇപ്പോൾ അതുകളെ ഉപയോഗിച്ചുംകൊണ്ടിരിക്കുന്നവക്കു ഈ മനഃസ്ഥിതിവന്നിട്ടുണ്ടെങ്കിൽ അത് മറ്റു ഏതുതരക്കാക്കും ഉപയോഗിക്കുന്നവിധം ഒക്കിതീക്കുന്നതിൽ വിരോധമില്ലാ. ഈ രാജ്യത്തെ എല്ലാ ഹിന്ദുദേവാലയങ്ങളും ഒരു വിധത്തിലല്ലെങ്കിൽ മറൊരുവിധത്തിൽ ഗവർമെൻറുമായി ബന്ധിച്ചിരിക്കുന്നു. അടുത്തകാലം വരെ അനവധി ദേവസ്വങ്ങളിൽ അവയുടെ മുതൽ ഗവർമെൻറു എടുത്തുംകൊണ്ടു അതുകളെ സംരക്ഷിച്ചിരുന്നു. ആ ദേവാലയങ്ങൾക്കു പോകുമായ കുളം കിണറു മുതലായവയ്ക്കായി ചിലവു ചെയ്തിരുന്നത കണക്കുകൊണ്ടു ഗവർമെൻറ് പണമാണെന്നു കാണുമായിരിക്കാം. ദേവസ്വം വേർതിരിച്ചെങ്കിലും അവക എല്ലാ കുളം കിണറുകളെയും വേർതിരിച്ചു കഴിഞ്ഞിട്ടുണ്ടെന്നു തോന്നുന്നില്ലാ. അങ്ങിനെ വേർതിരിക്കുന്നതിനും പ്രത്യേകം മുതല് ചിലവു് വരുത്തുന്നതിനും ഞാൻ വിരോധിയല്ലാ. ജനങ്ങളുടെ കൈവശം ഇരിക്കുന്ന ദേവാലയങ്ങളു



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[Mr. C. N. Tuppan Nambutiri.]

ടെ ആവശ്യത്തിലെങ്കും അവരുടെ സ്വന്തം സ്ഥലത്തു കഴിപ്പിച്ചിട്ടുള്ള കുളം കിണറുമുതലായവയെ ചിലപ്പോൾ ഗവർണ്മെൻറു പണം ചിലവു ചെയ്യുന്നതാക്കിട്ടുണ്ടായിരിക്കാം. ആകാരണം പറഞ്ഞു അവയെ ഊട്ടമസ്ഥന്മാരുടെ അഭിപ്രായത്തിന് എതിരായിട്ടൊ, ഉപയോഗിച്ചു വരുന്നവരുടെ മനസ്സിനു വിപരീതമായിട്ടൊ, മറെറാരാളെ അതിൽ പ്രവേശിപ്പിക്കുന്നത് തൽക്കാലം യുക്തമായിരിക്കുമെന്നു ഞാൻ വിചാരിക്കുന്നില്ലാ. മേലാൽ അങ്ങിനെയുള്ള കുളംകിണറുകൾക്കു ഗവർണ്മെൻറു ചിലവു ചെയ്യുന്നത് ഭംഗിയല്ലങ്കിൽ അതിനെ പററി ആലോചിക്കയല്ലാതെ ഈ വിധമുദ്ദേശം ഇല്ലാത ഉപയോഗിച്ചു വന്നിരുന്നതിനെ പററി ഇപ്പോൾ ആലോചിക്കയും തീച്ചുചെയ്കയും ചെയ്യുന്നത് നന്നായിരിക്കുമെന്നു തോന്നുന്നില്ലാ. ഈ വക പരിഷ്കാരങ്ങൾ ഗവർണ്മെൻറുമുഖേനയുള്ളതിൽ കൂടുതൽ ജനങ്ങളാണ് പ്രാകൃതയൊടുകൂടി ആലോചിച്ചു അതാതു നാട്ടിൽ തീച്ചുപ്പെടുത്തെണ്ടത്. ഇപ്പോൾ വല്ലനാട്ടിലെയും വല്ല സമുദായങ്ങളും ഇതു കാരണമായി ബുദ്ധിമുട്ടുന്നുണ്ടെങ്കിൽ അവിടെ അവരുടെ ആവശ്യത്തിനായി പുതിയതായ കുളം കിണറുകൾ തുറക്കുന്നത് കൊള്ളാം. ഓരൊ സമുദായക്കാക്കായി ഗവർണ്മെൻറു പണം ചിലവു ചെയ്യുന്നതിൽ വിപരീതാഭിപ്രായമുള്ള ആളുകൾ ഉദ്യോഗകാര്യത്തിലും ഗവർണ്മെൻറു സൌജന്യം ആവശ്യപ്പെടുന്ന മററു കാര്യങ്ങളിലും സമുദായങ്ങളുടെ പ്രത്യേകതയെ വളരെ വിശദപ്പെടുത്തുന്നത് എന്തിനാണെന്ന് ഞാൻ അറിയുന്നില്ലാ. ഈ കൌൺസിലിൻെറ തന്നെ കഴിഞ്ഞ ദിവസങ്ങളിലെ ചോദ്യോത്തരങ്ങളിൽ നിന്നും വാദപ്രതിവാദങ്ങളിൽ നിന്നും സമുദായങ്ങളുടേയും സമുദായങ്ങളിലുള്ള അവാന്തര വിഭാഗങ്ങളുടേയും പ്രത്യേകത വർദ്ധിപ്പിച്ചു വർദ്ധിപ്പിച്ചാണു ജനപ്രതിനിധികൾ തന്നെകാണിക്കുന്നതെന്നു പ്രത്യക്ഷമായിട്ടുണ്ടു. ഒരുവഴിയിൽ കൂടി സമുദായസ്വഭാവത്തെ പ്രത്യേകംപ്രത്യേകം വേർതിരിച്ചു നിലനിത്തുവാൻ ശ്രമിക്കുകയും അതെ സമയംതന്നെമററു വഴികളിൽ കൂടി ഒന്നായി നിത്തുവാൻ ശ്രമിക്കയും ചെയ്യുന്നത് സമുദായത്തിൻെറ ഐക്യത്തിനല്ലാ ഇപ്പൊഴുള്ള ഐക്യത്തെ ഇല്ലാതാക്കുന്നതിനല്ലേ ഉപകരിക്കുന്നതെന്നു ഞാൻഭയപ്പെടുന്നു. എൻെറ നിയോജകമണ്ഡലത്തെപററി പറയുന്നതായാൽ അവർ പ്രായേണ നവീനപരിഷ്കാരത്തിൽ വിമുഖന്മാരും മററുള്ളവരെ അപേക്ഷിച്ചുകൂടുതൽ പ്രാചീനാചാരപക്ഷവാദികളുമാണ്. ഉദ്യോഗം മുതലായകാര്യങ്ങളിൽ സമുദായത്തിനു പ്രത്യേകതവേണമെന്നു അവർ ശഠിക്കുന്നില്ലെങ്കിലും ആചാരാനുഷ്ഠാനങ്ങളിൽ ഭേദഗതിവരുത്തുന്നതിൽ അവർ വിപരീതാഭിപ്രാ

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യക്കാരാണ്. ഇംഗ്ലീഷ് പഠിപ്പുള്ള ഏതാനും ചിലരിൽ ഈ സ്വഭാവത്തിനു മാറ്റം വന്നിട്ടുണ്ടെന്ന് ഞാൻ സമ്മതിക്കുന്നു.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): സ്വഭാവത്തിനു മാറ്റം വരുന്നതിനു പുറമേമറിച്ചുതന്നെ പ്രവർത്തിക്കുന്നവരില്ലേ?

MR. C. N. TUPPAN NAMBUTIRI (*Jenmies*): അങ്ങനെയും ഉണ്ട്.

MR. N. KUMARAN (*Nominated*): I rise to a point of order. Questions to a member should not be a private affair between one member and another.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): By way of explanation, I have to say that I turned to talk to the member because I could not talk through the back of my head and the member could not hear.

MR. C. N. TUPPAN NAMBUTIRI (*Jenmies*): കാലം മുൻപോട്ടു പോകയും ഇംഗ്ലീഷ് വിദ്യഅഭ്യസിച്ചവരുടെ എണ്ണം വർദ്ധിക്കയും ചെയ്യുമ്പോൾ ഈ മാറ്റം ക്രമേണയായി വന്നു കൊണ്ടിരിക്കുമെന്ന് ആശിക്കാവുന്നതാണ്. പട്ടണവാസികളും നാട്ടിൻപുറങ്ങളിലുള്ളവരും സമുദായ ചിന്തയിൽ ഒരേതരക്കാരല്ലെന്ന് ഞാൻ പറഞ്ഞു കൊള്ളട്ടെ. പട്ടണവാസികൾ ലൗകീകാവകാശസ്വാതന്ത്ര്യങ്ങൾക്ക് സമുദായത്തെ ഉപയോഗിക്കുംപോൾ ഗ്രാമവാസികൾ ഈശ്വരാരാധനക്കും ജീവിതസംപ്രദായങ്ങൾക്കും സമുദായത്തെ ഉപയോഗിക്കുന്നു. ഇപ്പോൾ പട്ടണവാസികളായ സമുദായപരിഷ്കാരികൾ ഇതു കാരണം നാട്ടിൻ പുറങ്ങളിലെ സമുദായസ്വഭാവത്തെ ശരിയായി അറിയുന്നുണ്ടോ എന്നസംശയമാണ്. അല്ലാത്തപക്ഷം ഉദ്യോഗവിതരണാദികാര്യങ്ങളിൽ സമുദായഭിന്നതയെ വളർത്തികാണിക്കുന്നതുപോലെ ആചാരഭിന്നതയിലും കാണിക്കുമായിരുന്നു.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha* cum *Todupuzha*): ഉദ്യോഗനിയമന വിഷയത്തിൽ ഓരൊവർഗ്ഗക്കാർക്കും പ്രത്യേകം കൊടുക്കണമെന്നു പറയുന്നതു കൊണ്ടുഎല്ലാവർഗ്ഗക്കാർക്കുംകിട്ടാൻ അല്ലേ എളുപ്പമുള്ളൂ?

MR. C. N. THUPPAN NAMBUTIRI (*Jenmies*): ഞാൻ ഉദ്യോഗകാര്യത്തെപ്പറ്റിയല്ല പറയുന്നത്. പരിഷ്കാരം വർദ്ധിച്ചു വരുന്നോരുജാതിയും വർദ്ധിച്ചു വരുന്നു എന്നാണ്.

MR. TARIATU KUNJITOMMAN (*Muvattupuhza* cum *Todupuzha*): എന്റെ ചോദ്യം അതല്ല. ഉദ്യോഗനിയമനവിഷയത്തിൽ ഓരോവർഗ്ഗത്തിന്റേയും പ്രത്യേകാവകാശങ്ങളെ പ്രത്യേകം ഗണിക്കണം എന്നു പറയുന്നതിൽ എല്ലാവർഗ്ഗക്കാർക്കും വേണ്ടപോലെ കിട്ടാനല്ലേ എളുപ്പമുള്ളത്?

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**MR. CHANGANACHERY K. PARAMESVARAN PILLAI** (*Quilon*): I rise to a point of order whether the remark about appointments is relevant to the matter in hand.

**PRESIDENT**: No. He refers to it as an illustration.

**MR. C. N. TUPPAN NAMBUTIRI** (*Jenmies*): രാഷ്ട്രീയകാര്യങ്ങളും ശരിയായി നടത്തുന്നതിനു ഒരു വക്കീലിനേയോ ഒരാളിനേയൊ നോക്കേണ്ടാ എന്നാണ് എന്റെ അഭിപ്രായം. അതായതു കാര്യങ്ങൾക്കു ശേഷിയുള്ളവരാണ് ഉദ്യോഗത്തിനുവേണ്ടത് എന്നാണ് എന്റെ അഭിപ്രായം.

**MR. TARIATU KUNJITOMMAN** (*Muvattupuzha cum Todupuzha*): എല്ലാവക്കീത്തിലും യോഗ്യതയുള്ളവരുണ്ടാകാൻ പാടില്ലെ?

**MR. C. N. TUPPAN NAMBUTIRI** (*Jenmies*): അങ്ങനെയോഗ്യതാനിബന്ധനം കൊടുക്കണം എന്നാണ് ഞാൻ ഉദ്ദേശിക്കുന്നത്.

**MR. TARIATU KUNJITOMMAN** (*Muvattupuzha cum Todupuzha*): എല്ലാവക്കീത്തിനും കൊടുക്കുന്നുണ്ടൊ?

**MR. C. N. TUPPAN NAMBUTIRI** (*Jenmies*): എന്നാണ് എന്റെ അറിവ്.

**PRESIDENT**. It is time.

**MR. C. N. TUPPAN NAMBUTIRI** (*Jenmies*): പൂർവാചാരമനുസരിച്ചുള്ള ഭിന്നതകളെ ഏകോപിക്കണമെന്നു പറയുംപോഴും പുതിയ ഭിന്നതകൾ ഉണ്ടാകികൊണ്ടിരിക്കയാണ് ഇന്നത്തെ പരിഷ്കൃതലോകം കാണിക്കുന്നത്. മിസ്റ്റർ തരകന്റെ അഭിപ്രായം ഇങ്ങനെ ഒരു ഭിന്നതയ്ക്കും കൂടി കാരണമായതുകൊണ്ടും ഗ്രാമവാസികളുടെ ഇപ്പോഴത്തെ സമുദായസ്ഥാവത്തെ നിർബന്ധപൂർവം ഭേദപ്പെടുത്തുവാൻ ഗവർമെന്റിനെ പ്രേരിപ്പിക്കുന്നതുകൊണ്ടും ഞാൻ അതിനെ പ്രതിക്ഷേധിച്ചുകൊള്ളുന്നു.

**MR. C. KERALA VARMA KOIL TAMPURAN** (*Edavagai*): Sir, I am sorry I have to strongly oppose this resolution. This resolution, if passed, will serve no practical good. On the other hand, it will do much mischief. A time-honcured religious sentiment of a particular section of the population is adversely affected by it. I need hardly say that—

**MR. C. P. TARAKAN** (*Kunnatnad*): Sir, I want to put one question. പ്രാക്ടിക്കൽ പർപ്പസ് സേർവ് ചെയ്യാതെ മിസ് ചീഫസ് ഉണ്ടാകുന്നതെങ്ങിനെ?

**MR. C. KERALA VARMA KOIL TAMPURAN** (*Edavagai*): അതു സമാധാനലംഘനത്തിനിടയാക്കിയേക്കാം. അങ്ങിനെ വരുമെന്നാണ് എന്റെ വിശ്വാസം.

I need hardly say that religious beliefs of a people cannot be shaken off by legislation. Nor is it desirable to do so. Liberal education and

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religious reforms conducted on proper lines can alone do something in this direction.

Such a resolution in the long run will prove simply a piece of coercion against a particular section of the population who hold *bona fide* certain religious beliefs. Its results will be to provoke more useless and mischievous communal and religious strife among the people of the country. We have had enough of it, Sir. The cup is already full to the brim. It cannot hold a drop more. So I request my friend, Mr. Tarakan to kindly withdraw his resolution. If he is not willing to do so, I earnestly apppeal to the magnanimity and good sense of this House to take a broad outlook of the question (Mr. N. Kumaran: *Hear, hear*) and consider it in all its relations.

**MR. KALLUR NARAYANA PILLAI** (*Pattanamtitta*): ഈ പ്രമേയത്തെ സംബന്ധിച്ച് എനിക്കും അല്പമായ ഒരാക്ഷേപമുണ്ട്. അതായത് ഈ പ്രമേയം ഇപ്പോഴും ഇരിക്കുന്ന നിലയിൽ ഹിന്ദുദേവാലയങ്ങളോടു സംബന്ധപ്പെട്ടനിലയിലും മറ്റുള്ളവരുടെ ഉപയോഗത്തിലിരിക്കുന്ന കുളങ്ങളൊഴികെയുള്ള നിലയിൽ തന്നെയായിരുന്നാലും ക്ഷേത്രത്തോടു സംബന്ധിക്കപ്പെട്ടവയും പ്രത്യേക ഉപയോഗത്തിലിരിക്കുന്ന കുളങ്ങളും കാണും. അങ്ങനെയുള്ളവ കൂടാതെ കണ്ടു ഹിന്ദുക്കൾക്കു പൊതുവേ ഉപയോഗത്തിനുള്ളതും ഗവൺമെന്റിൽനിന്നും മെയിന്റനൻസ് നടത്തുന്നതുമായ കുളങ്ങളും ഉണ്ട്.

**MR. N. KUMARAN** (*Nominated*): I wish to know what my friend means when he says Hindus. Which class of people does he include in the general term Hindus?

**MR. KALLUR NARAYANA PILLAI** (*Pattanamtitta*): ഞാൻ പറയുന്നു ഹിന്ദുദേവാലയങ്ങളോടു സംബന്ധിക്കപ്പെട്ട കുളങ്ങളേയും ഹിന്ദുക്കൾ പൊതുവെ ഉപയോഗിക്കുന്ന കുളങ്ങളേയും ഹിന്ദുവർഗ്ഗത്തിൽപ്പെട്ട ഏവർക്കും ഉപയോഗിക്കാമെന്നാണ്. ഹിന്ദുദേവാലയങ്ങളോടു സംബന്ധമുള്ള കുളങ്ങളെ, ഹിന്ദുമതാവലംബികളല്ലാത്ത ക്രിസ്ത്യാനികളോ മഹമ്മദീയരോ ഉപയോഗിക്കാൻ പാടില്ലെന്നാണ് എന്റെ അഭിപ്രായം.

**MR. TARIATU KUNJITOMMAN** (*Muvattupuzha* cum *Todupuzha*): ഹിന്ദുക്കളായ ഈഴവർ മുതലായവർക്കാർ ഉപയോഗിക്കുന്നതിൽ വിരോധമുണ്ടോ?

**MR. KALLUR NARAYANA PILLAI** (*Pattanamtitta*): ഒരു വിരോധവുമില്ല.

**MR. TARIATU KUNJITOMMAN** (*Muvattupuzha* cum *Todupuzha*): അങ്ങനെ ഉപയോഗിക്കാൻപാടില്ലാത്തവിധത്തിൽ പല കുളങ്ങളും ഉണ്ടെന്നറിയാമോ?

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MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : ഉണ്ട്. അങ്ങനെ ഉള്ളവരെ സംബന്ധിച്ചു തടസ്ഥം ഉണ്ടെങ്കിൽ അതു അനാവശ്യമാ ണെന്നാണ് എന്റെ അഭിപ്രായം. തോടിനെസംബന്ധിച്ചു പറയുക യാണെങ്കിൽ പമ്പാനദിയുടെ കരയിലാണ് പ്രസിദ്ധമായ ആറൻമുള ക്ഷേത്രം സ്ഥിതിചെയ്യുന്നതു.

MR. C. P. TARAKAN (*Kunnatnad*): The resolution excludes tanks neither constructed nor maintained by Government.

MR. KALLUR NARAYANA PILLAI (*Pattanamtitta*) : അതു ഒഴിയ്ക്കുന്ന പക്ഷം വിരോധമില്ല ഈ പ്രമേയം കൊണ്ടു ഹിന്ദുക്കളുടെ ഉപയോഗ ത്തിൽ ഇരിക്കുന്ന കുളങ്ങൾ അന്യവ്യക്തിയുടെ ഉപയോഗത്തിലേക്കു കൂടി വിട്ടുകൊടുക്കണമെന്നു അർത്ഥമാകുന്നു. അതു ഒരിക്കലും നന്നായിരിക്കയി ല്ല. അതിനാൽ ഞാൻ ഈ പ്രമേയത്തെ ശക്തിയായി എതിർത്തുകൊ ള്ളുന്നു.

MR. G. RAMAN MENON (*Mavelikara* cum *Kartikapalli*) : May I seek a ruling from the Chair whether this will be taken as an amendment? Add at the end the following: "unless they are lawfully and validly claimed by particular individuals or communities. In this latter case the tanks should be handed over to them for being maintained at their expense."

MR. C. P. TARAKAN (*Kunnatnad*): ശരിയായിട്ടു കേട്ടില്ല.

MR. N. KUMARAN (*Nominated*) : Sir, I thought—

PRESIDENT : Mr. Raman Menon, I see that your amendment is not seconded and so it falls through.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*) : I second it.

PRESIDENT : Now it is too late.

MR. N. KUMARAN (*Nominated*): I thought I should speak a few words regarding this resolution. Some six months ago there was a keen fight between the Government on the one side and most of the members on this side of the House about a similar subject. I mean the resolution concerning the Vaikam roads and roads similarly situated in other parts of Travancore. We had heard a good deal of religious sentiments, *Sankethams* and the rest of them trotted out by the Law Member on that occasion. I thought that was the last occasion on which my friend Mr. Subba Aiyar was going to defend these so-called religious sentiments to stem the tide of advanced sentiments and feelings.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : I do not think that I ever undertook to give up my religion on that occasion.

MR. N. KUMARAN (*Nominated*) : I never said that my friend undertook to do so. But it was what I thought.

PRESIDENT : Will you kindly stick to the resolution?

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**MR. N. KUMARAN** (*Nominated*): I thought this was an allied subject.

**PRESIDENT**: You should stick to the resolution.

**MR. N. KUMARAN** (*Nominated*): What I mean to say is this. I thought that this subject had absolutely no reference to the questions of religious sentiments and the mover of the resolution admitted, in reply to a question put by Mr. Kunjitomman, that he had not in view any tank that had any connection with any religious institution whatsoever. Therefore, I thought it was very easy to discuss the question on its merits whether all the tanks which had absolutely no connection with the temples or palaces should not be thrown open to all classes of people inhabiting this land. The question was further raised by Mr. Subba Aiyar and by my friend Mr. Narayana Pillai whether tanks which are only used by certain communities should be thrown open to all classes of people, especially when those communities had certain sentiments that those tanks should be made use of exclusively by such communities alone. Probably Mr. Subba Aiyar thinks that the sentiments of his community would be very much disturbed if tanks, which are exclusively in the use of that community, should be made use of by all the other communities. Probably there may be some communities which are permitted to make use of those tanks along with the Brahmins. But, according to him, it would not be proper that other communities should be permitted to make use of those tanks, because according to him their religious sentiment would be disturbed. It is not certainly the intention of Mr. Tarakan to disturb or to wound the religious susceptibilities or feelings of any community inhabiting this land. If he did so, I am not prepared to support his resolution. But I feel that this question has absolutely nothing to do with religious sentiments.

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): May I ask Mr. Kumaran whether he knows that religious rites are performed by some communities in some tanks, whether he has at least heard of it?

**MR. N. KUMARAN** (*Nominated*): My friend's question is whether I know that some communities perform some religious rites in some tanks. I cannot answer such a vague question.

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): May I ask Mr. Kumaran whether he is aware of the fact that the Brahmin community performs funeral rites in some of these tanks.

**MR. N. KUMARAN** (*Nominated*): I am not quite aware.

**MR. C. P. TARAKAN** (*Kunnatnad*): I want to ask one question, Sir. ആലുവാപ്പുഴയിൽ ബ്രാഹ്മണർ പ്രേതകർമ്മം നടത്തുന്ന ഉടനെ യോഗക്കാർ ഇറങ്ങുന്നതിനെപ്പറ്റി മിസ്റ്റർ കുമാരന് അറിയാമോ?

**MR. N. KUMARAN** (*Nominated*): I have absolutely no information about that. Whatever that might be, we can take for granted that some tanks are being made use of by some Brahmins for the purpose of performing religious ceremonies. But the question is whether they should

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[Mr. N. Kumaran.]

be exclusively permitted to make use of that tank, if the tank is a public one. If the tank is situate in a public place, that is in a *poramboke*, and its maintenance is met from public funds, I do not think Mr. Subba Aiyar can validly bring forward the contention that it should be exclusively made use of by the Brahmins. The question is whether in this State there should be a classification in the civic rights, that some communities should have all sorts of civic rights and other communities should have only a few of them, while some communities should have none. I submit it is too late in the day to contend that some communities should have some exclusive rights. No doubt, they may have their own sentiments and it should not be open to Government and the other sections of the people to disturb or wound their religious sentiments. It should be perfectly open to them to make their own arrangements to safeguard their own sentiments. If Government or the other communities disturb any of their arrangements which they are entitled to make for safeguarding their own sentiments, certainly it is wrong and blameworthy. What I submit is that their sentiment, religious principles or otherwise should be so arranged as to keep them within their own limits and should be regarded as things which are not in any way entitled to wound similar religious susceptibilities or self-respect of other communities. When we say that certain rights should be admitted to all classes of people, that does not mean that similar rights of other communities should be invaded.

**PRESIDENT**: Please do not go in for general abstract speculations.

**MR. N. KUMARAN** (*Nominated*): I thought I would be permitted to discuss this general principle in order to bring home to this House that this question of tanks and canals is only an instance wherein such a general principle should be applied. Now, Mr Narayanan Pandalay was mentioning the instance of the Pallars and Sambavers in Shencottah. Of course, there may be cases in which even those people would be tempted to fight against each other for certain rights of walking through the roads and making use of public tanks. There is another instance which comes to my mind of a tank being made use of by all classes of people in Karunagapalli. I believe it was Mr. Pandalay himself who issued a prohibitory order under Section 127 when certain Nairs represented to him that this tank was particularly in the use of certain communities and was not in the use of Ezhavas and other communities. I am sure he must have gone into the merits of the question and I am not yet sure what order has been passed. My fear is this. Mr. Pandalay assures the House that every case will be looked into and will be decided according to its own merits. But it is not difficult for the people who use some tanks to make it appear that those tanks are exclusively in their use and that their religious susceptibilities would be wounded and therefore those tanks should not be thrown open to all classes of people. It would be difficult for any officer to come to a conclusion in weighing the susceptibilities of two particular sections of the people. Therefore, as a general proposition

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also, the reply from Government cannot be accepted. It would not satisfy the sentiments of the community whose rights are not respected by the order of that particular officer. In a matter of this kind, I submit it is not proper on the part of Government to take a definite stand on the side of exclusiveness respecting the sentiments of persons who are in exclusive possession of certain tanks. The attitude of Government ought to be that they are prepared, for throwing open to all, rights which are exclusively in the possession of a few communities. We are certainly moving forward; education is spreading in the land and therefore it must be easy for Government to move forward in these cases.

**PRESIDENT**: Your time is up.

**MR. N. KUMARAN** (*Nominated*): I am entitled to speak for twenty minutes.

**PRESIDENT**: No. The time allowed under the rules is only ten minutes.

The House will now adjourn and meet at a quarter to three.

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The Council adjourned for lunch at 1-55 P. M. and re-assembled at 2-50 P. M.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): Sir, while sincerely appreciating the broad outlook that underlies the resolution moved by Mr. C. P. Tarakan, I have to observe that the form in which it is presented to the House is such as not to deserve the acceptance by this House. The resolution, as it stands, has not been formally amended, though an amendment was talked about but not really brought forward in any definite shape. The resolution, as worded by the mover, reads like this:—

"This Council recommends to the Government that permission may be given for all canals and tanks, constructed or repaired at Government cost, being thrown open for the use of all people in the State without distinction of caste or creed."

As it stands, it comprises canals and tanks constructed or repaired at Government cost. Suppose, a tank was constructed originally by Government at Government cost; but subsequently Government parted with the rights over the property, as in the case of various tanks in South Travancore; the resolution would, all the same, apply to such tanks as have become private property, and it would mean that such tanks also should be reserved for the use of the general public. That is the wording of the resolution as it stands, and I have very serious objection to that procedure. Once Government having parted with their right should be made to say that the tank should be thrown open for the use of the public, as it was constructed by Government, ignoring the rights of other people, is a proposition that I cannot understand.

**MR. K. MADHAVAN PILLAI** (*Trivandrum cum Neduvangad*): May I know whether the right of Government continues after the disposal?



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**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): What the resolution says is that the rights of Government should continue in tanks constructed by Government. Therefore, that is a fatal defect in the resolution as it stands. There is another difficulty in the resolution being accepted as it stands. Suppose in a Government property there is a Government tank and Government sells the property with the building and its appertenances, or gives it for the residence of a particular individual as in the case of European officials in the State. To quote a specific instance, take the case of the compound in which Mr. Pitt is living. If there is a tank in that compound, it is certainly a Government tank. Mr. Pitt is given permission by Government to continue in the premises and utilise the tank. It is a Government tank repaired and probably constructed by Government. To ask Government that such a tank situated and designated for a special purpose by Government should be thrown open to the general public would be a very serious difficulty.

**PRESIDENT**: That is the case with Bhaktivilas also, Mr. P. K. Narayana Pillai (*Laughter*).

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): Yes, that is nearer home. I appreciate very much the pointed nature of the reference from the Chair. There may be several tanks also constructed for the use of Palaces, for the convenience of the members of the Royal family. These are all, in one sense, Government tanks, constructed and repaired by Government, and ear-marked already for certain specific purposes, and I think that these tanks will not be opened to the use of all the people. Therefore, I beg to submit we should not ignore the intentions of Government in bringing into existence such tanks so long as they exist as tanks.

Further, the resolution has also another defect. Suppose there is a public tank constructed originally by Government and repaired by Government. So long as it exists, a stage may be reached in the history of such a tank when it would cease to be useful to the general public. This resolution, if accepted, would urge it upon the attention of Government to throw it open always, to the use of the public even though it ceases to be useful as a tank. In such cases, I think the Government must certainly be free to have it registered in favour of any person; if not, this resolution, perpetually hanging over the Government, would oblige them to continue a nuisance.

Another objection is that in addition to tanks, wells maintained by Government should also be included in this resolution. They are necessary, probably, more than tanks and an exclusion from the use of these wells is occasionally a more important question. Therefore the resolution is not sufficiently comprehensive.

**MR. C. P. TARAKAN** (*Kunnatnad*): I have no objection to include wells also.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): These are the objections that I take as regards the form of the resolution. It was suggested that this resolution may be amended and I am also desirous to see

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that it is modified. However, it is extremely painful to see that a resolution very much acceptable in spirit should suffer on account of the form in which it is presented. Therefore, if my friend Mr. Tarakan has no objection, I may read out the resolution in an amended form to the Council.

With respect to canals included in the resolution, I must say that I am myself not aware of the existence of any canal from which any member of the public is excluded. Therefore, when we speak of canals also in the resolution, we are practically operating upon mere air because we are not sure whether such canals exist. Such a ridiculous position need not be assumed by the House at all. So, if the President will allow me, I beg to amend the resolution as follows—

"This Council recommends to the Government that the use of all tanks which are maintained by the Government out of public funds and over which no special rights have been created or recognised by Government, be thrown open to the general public without distinction of caste, creed or religion, so long as such tanks are needed in the interests of the general public."

MR. A. K. PILLAI (*Karunagapalli*): May I know what is to be thrown open?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Tanks.

MR. A. K. PILLAI (*Karunagapalli*): Can you not say so?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes, all such tanks may be thrown open. I am prepared to yield, Sir, if the language is incorrect. The words "the use of" may be left out if incorrect.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): May I know from Mr. Narayana Pillai what he means by 'special rights' there.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Government have been at liberty to create special rights and I offered the instance of Mr. Pitt. Government may not say you are at liberty to use those tanks. In the case of temples, Government have constructed tanks for a particular use and so that they should exclusively be devoted to that purpose.

MR. K. I. JOSEPH (*Minachil* cum *Devicolam*): Will there not be tanks over which special rights have not been acquired?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There may be many, that is my impression.

MR. K. K. THOMAS (*Kottayam*): Do you really know of any?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I know of some.

PRESIDENT: The tank in the Museum?

MR. K. K. THOMAS (*Kottayam*): It is under the control of the Director of the Museum.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): At the same time it is a public tank.

MR. K. K. THOMAS (*Kottayam*): Mr. Pitt's tank also comes under this head.

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**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): It will be under Mr. Pitt or probably under the policeman who may be there on duty. If a right has already been created by Government, Sir, I shall be the last person to say that such right should be disregarded after having been created.

**MR. N. KUMARAN** (*Nominated*): May I know from Mr. Narayana Pillai as to how that right has been created?

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): Usage, dedication, &c.

**PRESIDENT**: By custom and usage too.

**MR. M. N. PILLAI** (*Trivandrum*): I second Mr. Narayana Pillai's amendment.

**MR. CHANGANACHERY K. PARAMESVARAN PILLAI** (*Quilon*): Sir, in regard to this resolution of Mr. Tarakan,—

**PRESIDENT**: Are you speaking on the resolution or the amendment?

**MR. CHANGANACHERY K. PARAMESVARAN PILLAI** (*Quilon*): I am speaking on the resolution. In regard to this resolution, it goes without saying that without some amendment it cannot be accepted. In the first place, it covers also canals. So far as I know, I am not aware of any canal which is intended exclusively for the use of any particular community or followers of any particular religion. As far as I know, all canals are thrown open to the use of all classes of people, and I do not think that my friend Mr. Tarakan was serious in including that. He might have included it on a suspicion that there might be some canal which has not been opened to all classes of people.

Now coming to the tanks, the debate in the Council shows that there are serious objections to tanks appertaining to temples and which are intended for the use of the temples or places of worship, being thrown open to all classes of people. I fully sympathise with this sentiment not because I have any particular objection to all classes of people using even temple tanks but because I consider that no non-Hindu can claim as a matter of right the use of tanks intended for the use of Hindu religious institutions. If these are excluded, then I do not think why public tanks maintained with public funds should not be thrown open to all classes of people. Mr. Subba Aiyar enumerated two or three kinds of tanks which must always be excluded from the use of other classes of people. One of these was the Palace tanks. It appears to me, Sir, that Mr. Subba Aiyar mentioned Palace tanks simply for the purpose of confusing the issue or for creating prejudice because he knows, as much as any body else in this House, that Palaces are entirely outside the purview of this Council and that no resolution can be moved affecting the Palaces and their control, management or anything. Therefore, if the resolution is passed in this Council, it would be *ultra vires* and will not affect the Palaces or Palace tanks.

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): Does not the same thing hold good in the case of temples and Devaswoms also?

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MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): It is a matter of controversy as to whether they will include or not.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): They are included in Section II of the Legislative Council Regulation.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): It was maintained that certain communities might have been exclusively using certain tanks and that they might have some sentiments or prejudice against other communities using those tanks. I am prepared to sympathise with their sentiments, if those communities are prepared to pay respect for other's sentiments also. It appears to me, Sir, if there are tanks maintained by Government to be used exclusively by particular communities and if those communities want those tanks to be kept exclusively for their use, they cannot ask the public exchequer to meet the cost of maintaining those tanks. If they are prepared to pay for the maintenance of those tanks, I have no objection to the Government reserving them for their exclusive use.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I suppose it may be taken that, subject to the qualification, these tanks may be excluded.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): So far as I am concerned, if they do not want public funds to be spent, either for maintenance or for repair, I have no objection to those tanks being reserved for their use, although they have been originally constructed by Government and reserved for these communities, because it is not my intention to wound the religious susceptibility of any community in the State. I do not also agree with the view that the Government might spend money in constructing tanks for the use of other communities and at the same time spend money upon public tanks which are exclusively reserved for certain communities. If these tanks will be maintained by them, there is no objection to other tanks being constructed and maintained at public costs for other communities. So I am also going to add to the numerous amendments that have already been proposed in regard to this matter. Sir, I would, with your permission, move that the resolution be amended in this form: —

"This Council recommends to Government that permission may be given for all public tanks, except those intended exclusively for the use of Hindu temples or Hindu places of worship, maintained with Government funds being thrown open for the use of all people in the State without distinction of caste or creed."

The expression 'public' before 'tanks' would also meet Mr. Narayana Pillai's objection that there may be Government tanks attached to bangalows used by Government officers and maintained by Government, as in Bhaktivilas. Of course it could not have been even in the remotest way intended by Mr. Tarakan that these tanks should be thrown open to all classes of people though they are intended for the use of particular persons. Nevertheless, we will regard as public tanks only either tanks open to all the public or a section of the public. Therefore I beg to move the amended resolution. If it is accepted, there would be no objection.

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MR. C. P. TARAKAN (*Kunnatnad*): I accept the amendment of Mr. Paramesvaran Pillai.

MR. P. K. NARAYANA PILLAY (*Ambalapuzha*): Are we to take it that the original resolution goes out of debate?

PRESIDENT: Yes, it goes out of debate since Mr. Tarakan has accepted the amendment of Mr. Paramesvaran Pillai.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): So the House may now discuss the resolution as amended by Mr. Paramesvaran Pillai.

PRESIDENT: Yes.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Sir, I heard the expression 'exclusively used by Hindu temples,' and I thought of a concrete instance in which there is a tank which is used on special occasions by the Hindu temples and that is the *Padmathirtham*. I should like to know from Mr. Paramesvaran Pillai whether he would include such tanks within the purview of the resolution.

MR. CHANGANACHERRY K. PARAMESVARAN PILLAI (*Quilon*): It means '*exclusively for the use of those who are entitled to the use of the temple and who have got the right of admission into the temple.*'

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Will the *Padmathirtham* be included or excluded?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): It will be excluded.

PRESIDENT: I think it would be better to change the wording of your amendment, You can say '*use in connection with the temples*' or something like that.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): That is all what it means.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I think, the language may be more specific.

PRESIDENT: Yes.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): While the matter is being discussed, we may be able to arrive at the correct expression.

PRESIDENT: Yes; you can go into a small drafting committee. (*Laughter.*) When do you propose to do it? At once?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): No; while the discussion goes on.

PRESIDENT: All right.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Sir, may I speak on the amendment?

PRESIDENT: The formal amendment is not before the House. We are still discussing its feasibility.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): If the word '*exclusively*' is omitted, I think it would be all right. Because '*Hindu temples*' does not necessarily mean the temple premises or the building.

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**PRESIDENT**: So, you will have to define the word '*temple*'.

**MR. CHANGANACHERY K. PARAMESVARAN PILLAI** (*Quilon*): After all, it is only a resolution and not a legislative enactment. We all know what the expression means.

**PRESIDENT**: So, you omit the word '*exclusively*'.

**MR. CHANGANACHERY K. PARAMESVARAN PILLAI** (*Quilon*): Yes.

**PRESIDENT**: The resolution, as amended by Mr. Changanachery Paramesvaran Pillai, stands thus:

"This Council recommends to Government that permission may be given for all public tanks, except those intended for the use of Hindu temples or Hindu places of worship, maintained with Government funds, being thrown open for the use of all the people in the State, without distinction of caste or creed."

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): Are the words '*in the State*' necessary?

**MR. CHANGANACHERY K. PARAMESVARAN PILLAI** (*Quilon*): That is not necessary. Of course, we can only legislate for the State.

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): If any outsider happens to make use of these tanks, probably he may not come under the purview of this resolution.

**MR. C. P. TARAKAN** (*Kunnatnad*): This resolution does not exclude outsiders.

**MR. V. SUBBA AIYAR** (*Nominated, Deputy President*): May I speak on the amendment, Sir?

**PRESIDENT**: It is a new resolution, now.

**MR. C. P. KOCHUKUNJU PILLAI** (*Kottarakara* cum *Kunnatur*): What about the amendment of Mr. P. K. Narayana Pillai?

**MR. CHANGANACHERY K. PARAMESVARAN PILLAI** (*Quilon*): That also stands.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): There are two amendments, Sir.

**MR. K. C. MAMMEN MAPPILLAI** (*Commerce and Industry, North*): Mr. Changanachery Paramesvaran Pillai's amendment has been accepted by the original mover.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha*): That cannot affect my amendment.

**MR. C. P. TARAKAN** (*Kunnatnad*): The resolution stands as amended.

**MR. V. SUBBA AIYAR** (*Nominated*) (*Deputy President*): I beg to submit, Sir, that a motion for amendment is not, strictly speaking, now in order. Under Standing Order No. 10, an amendment is a motion, and a motion is out of order unless there is six days' clear notice. I refer to page 10 of the Manual.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Ag. Additional Head Sirkar Vakil*): Standing Order No. 49, paragraph 105 of the Manual; that is what Mr. Subba Aiyar is referring to.

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MR. V. SUBBA AIYAR (*Nominated*), (*Deputy President*): What I quoted was generally with reference to amendments. With reference to amendments in the case of resolutions, I refer to page 18 of the Manual, Standing Order No. 49, paragraph No. 105.

MR. A. K. PILLAI (*Karunagapalli*): May I point out that it is always within the discretion of the President to accept an amendment, despite the provision for notice?

PRESIDENT: That is not the point here. The question is whether Mr. Subba Aiyar can speak a second time.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): In the first place, I rise to a point of order, *viz.*, that the amendment is out of order inasmuch as no notice has been given. Of course, if it is ruled that it is in order, I will raise the other question, whether I can speak now.

MR. A. K. PILLAI (*Karunagapalli*): In respect to the point of order, I may say that it is always within the discretionary power of the President to allow an amendment, despite the provision for notice.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I may read out Standing Order No. 49:—

> "If a copy of an amendment has not been sent to the Secretary, two clear days before the day fixed for the discussion of the resolution, any member may object to the moving of the amendment, and such objection shall prevail, *unless the President, in the exercise of his power to suspend this rule, allows the amendment to be moved.*"

So, the President has got the power.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*)): But the member has not applied for permission from the chair.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): No such application is necessary. When the amendment was moved, it was open to any member to object to it. Then, on such objection, the President may either disallow the amendment or allow it to be moved. In the present instance, the amendment was moved, and no objection was raised to it. It was accepted by the mover of the resolution. After a good deal of discussion, now, my friend Mr. Subba Aiyar is raising his objection. It is, therefore, a belated objection. Even otherwise, the President has got the discretion to allow the amendment.

PRESIDENT: I consider that, the resolution as amended having been accepted by the original mover and not having been challenged in the meanwhile, is now before the House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is the same case with my amendment, Sir, (*Laughter.*)

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): Sir, I think there are really serious objections.

The resolution now before the House is a new resolution altogether.

PRESIDENT: Yes; you can therefore speak.

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MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): If it is one, by way of an amendment, it may be all right. Practically, the first resolution has been negatived, and a new resolution has been put in.

MR. C. P. TARAKAN (*Kunnatnad*): The first resolution has not been negatived.

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): I would refer Mr. Subba Aiyar to page 10 of the Manual, paragraph 58 (2).

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I am aware of that; but I am not speaking on the same motion now. It is an entirely new resolution that is now before the House.

PRESIDENT: Anyway, I have given you permission to speak.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): My point is this. In the first place, the expression used in the amended resolution is "except those tanks intended for the use of Hindu temples or places of worship maintained with public funds." This means that the tanks should be *intended* for the use of temples or places of public worship. It does not enumerate them. My friend, Mr. Changanachery Parameswaran Pillai said that I introduced the word 'Palace' simply to prejudice the issue. I had no such idea. If it is said that I wanted to prejudice the issue, Hindu temples need not have been mentioned as an exception here. I only wish to draw the attention of this House to the Palace tank which is in Quilon just opposite to the old Palace there. It is not inside the Palace. It is not now used by the members of the Royal family. It was once used by them. Yet it is a tank attached to the Palace and intended to be used by them. So that, there are tanks intended for Palace use and attached to the Palace, even though they are maintained out of public funds. Equally like that, there are other tanks. Such tanks ought to be excluded. My friend has not chosen to exclude them. I believe he was prepared to grant their being excluded. What I say is that, if there are certain tanks which are intended for a particular section of the community, they may be exempted if hereafter Government are prepared to maintain them out of public funds. I do not think my friend has provided for such a contingency. Again, it is equally a matter of difficulty and it will lead to the very same difficulty that was experienced when the old notification of 1857 or so was published, *viz.*, that all highways shall be thrown open. The question will be what are public tanks? Therefore I say whether a tank which is thrown open to a section of the public or a tank in which the right has been acquired by a section of the public will come within the cognisance of the 'public', or whether the Government will be in a position to throw it open to the public, is not clear. There is another point. There may be tanks which have been the subject-matter of decision of courts, and, as the members know, there are many public roads in regard to which the High Court have decided that certain communities alone have got the right to use them in a particular manner. I am referring to the Myladi case for example.



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MR. N. KUMARAN (*Nominated*): I rise to a point of order. Have we anything to do with roads?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): No. Not about the roads themselves. I say, there may be tanks which may have been the subject matter of decisions of courts and over which a certain section of the public might have acquired certain vested interests. Such cases are not contemplated. Further, the expression "for the use of all the people without distinction of caste or creed *in the State*" is objectionable. If a foreigner comes and bathes in such a tank, I do not know what objection there will be. If the people in the State without distinction of caste or creed can bathe in a tank, I think that people outside the state without distinction of caste or creed can also bathe in it. So that, Mr. Changanachery Paramesvaran Pillai's amendment does not cover all cases contemplated thereby, and I believe that Mr. Narayana Pillai's amendment is nearer the point and provides sufficient safeguards and it may be accepted in preference to Mr. Changanachery Paramesvaran Pillai's amendment. As the wording stands, it is likely to lead to a lot of difficulties, as many difficulties as the original resolution will lead to. I therefore oppose Mr. Changanachery Paramesvaran Pillai's amendment.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Sir, I wish to point out to the House a difficulty which will happen in a concrete instance which I know of, if the resolution is accepted in its present form. I see that the exclusion is to be only in favour of tanks intended for the use of certain temples or places of worship. There happens to be a tank, which is a public tank in the sense of its being owned by the Government, and of its being maintained by the Government, which is, however, not intended for the use of the Hindu temples or places of worship, but in which bathing is attractive to certain Hindus on religious grounds. I refer to the *Chakratheertham*, which is to be found in the Sankumukham beach. It is not reserved for any temple. I am not aware of any temple using its water or of any members belonging to the Royal family going and bathing in it. At the same time, in the *Sthalapurana* of Trivandrum, the *Chakratheertham* is regarded as one of the tanks in which bathing is recommended.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I ask whether he does not know that it is not intended for the use of the public? It is closed and kept under lock and key by the Palace, and it is not a public tank.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal, College of Arts*): Sir, once a resolution of this kind is passed, we shall have to go by the plain meaning to be attached to its wording, and not by the interpretation which may be put upon it in the course of the discussion here by the gentlemen who are responsible for the resolution. We can only go, I repeat, by the plain meaning of the words and not on any kind of commentary which is offered on the resolution itself by its sponsors. The difficulty really arises, Sir, in regard to the meaning of the expression

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"public tank". I understand Mr. Changanachery K. Paramesvaran Pillai to say, in reply to a question just put to him, that a public tank is only a tank which there is no obstruction to use. The *Chakratheeriham* was once upon a time unprotected, and I understand it is now protected and kept under lock and key. The question whether it is a public tank or private is not to be decided by merely seeing whether a person has a free access to it or not. It may be possible for a particularly acrobatic or enterprising person to get over the present railing and bathe in the tank. If he does so, are we to exclude its use in the case of other people? Is there any authority now competent to exclude the public on the ground that this is not a public tank? Who is to decide whether it is a public tank or a private tank? I should also like to know whether there may not be a considerable amount of discontent among the members of the community, who have hitherto been permitted to have the innocent use of this tank, on the ground that it is recommended in the *Sthalapurana*, if they are deprived of the use of the tank. I do not want to discuss the merits of the question as to whether a public tank should be allowed to be used by all and sundry, or not. That is not my object.

The point that I wish to bring to the notice of the House is merely that the resolution, *in its present form*, the resolution as amended, is not sufficiently comprehensive to include *all* cases, which are apparently to be considered by us to-day. That is my difficulty. That, apparently, has also been the difficulty of Mr. Subba Aiyar. Using certain words, for which a popular meaning is attached, in a different sense, is surrounded by all kinds of danger. We were recently faced with the same difficulty, by the employment of the word "exclusively" in the original amendment. It has now been omitted. I think that, unless the word 'public' is also omitted, and unless we also take occasion to add the delightful word "&c." so as to make the amendment read "maintained by the public funds for the use of temples etc.," we shall still have some difficulty. I am free to confess, therefore, that, from the standpoint of effectuating the desire of the original mover, Mr. P. K. Narayana Pillai's amendment would serve the purpose infinitely better than the amendment now moved. I am afraid that, if the resolution is to be accepted in its present form, it will give rise to very serious difficulties, and difficulties of a religious character, in regard to the tank which I have specifically mentioned.

MR. C. P. TARAKAN (*Kunnatnad*): May I know whether he accepts Mr. Narayana Pillai's amendment?

MR. W. H. PITT (*Commissioner of Police*): May I know whether Mr. Rangaswami Aiyangar speaks on behalf of the Government or for himself?

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Principal College of Arts*): Sir, I maintain that any member of the House, unless he says that he speaks on behalf of the Government, is entitled to speak for himself. Because a member happens to be a Government servant and happens to

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[Rao Bahadur K. V. Rangaswami Aiyangar.]

sit on the Government Benches, if he is permitted to speak, I do not think the question arises as to whether he is competent to speak for himself or not. I am competent to speak for myself in this matter, because it is a question that affects the rights of all communities, and as a member of the House, I have as much right as the non-official section, to draw the attention of the House to a difficulty.

**MR. W. H. PITT** (*Commissioner of Police*): What I wanted to know is whether the Government have accepted Mr. Narayana Pillai's amendment and what is the amendment before the House.

**PRESIDENT**: Mr. Pitt, on general questions, as a general rule, it is the Front Bench that speaks on behalf of the Government.

**RAO BAHADUR K. V. RANGASWAMI AIYANGAR** (*Principal, College of Arts*): Now, Sir, in reply to the question of Mr. Tarakan, I may repeat what I said. I do not want to express an opinion on the merits of the question before the House. But it seems to me that, if a certain object, which has been set forth by him, is to be gained by Mr. Tarakan, it will be better served, in my opinion, by his accepting Mr. P. K. Narayana Pillai's amendment, which has not been moved, in the place of Mr. Changanachery K. Parameswaran Pillai's amendment.

**MR. P. K. NARAYANA PILLAI** (*Alaba'ayucha*): Is not my amendment before the House, Sir? It was moved and seconded, and nobody objected to it.

**PRESIDENT**: It is still before the House.

**RAO BAHADUR K. V. RANGASWAMI AIYANGAR** (*Principal, College of Arts*): That is all that I have to say.

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): Sir, in view of the particular instances pointed out by Mr. Subba Aiyar and Mr. Rangaswami Aiyangar and in view of the probability of several instances coming to the notice of Government hereafter, it would not be possible for the Government to accept the resolution as amended by Mr. Changanachery Parameswaran Pillai. If the mover would have no objection to accept the resolution with the qualification that I am about to read, Government will consider if they cannot accept it in that form. The qualification is as follows, which should be added at the end of the resolution moved by Mr. Changanachery Parameswaran Pillai:

*"subject to the Government satisfying themselves that there is no objection in any particular case."*

The resolution with that qualification will read thus:

"This Council recommends to the Government that permission may be given for all public tanks except those intended for the use of Hindu temples or places of public worship and maintained with Government funds being thrown open for all people in the State *subject to the Government satisfying themselves that there is no objection in any particular case.*"

**MR. G. RAMAN MENON** (*Mavelikara cum Karthikapalli*): Is legal objection meant?

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MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): No.

PRESIDENT: Do you accept that, Mr. Changanachery Parameswaran Pillai?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): I did not hear that.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Government propose to make an amendment to the resolution. Then it will read like this:

"This Council recommends to the Government that permission may be given for all public tanks except those intended for the use of Hindu temples or places of public worship and maintained with Government funds being thrown open for all people in the State subject to the Government satisfying themselves that there is no objection in any particular case."

MR. T. J. MATTHEW (*Changanacheri cum Peermade*): That is worse than the present condition.

MR. C. P. TARAKAN (*Kunnatnad*): Sir, I do not accept the amendment proposed by the Government.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): May I know the nature of the amendment?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): It is not an amendment, but it is only a suggestion.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I wish to speak a word. After hearing Mr. Subba Aiyar, I do not think that there can be any real objection in accepting the resolution as amended by Mr. Changanachery Parameswaran Pillai. His main objection, so far as I can see, related to the tanks belonging to or under the control of palaces. I need not say that, under the Council Regulation, matters under the control of the Palace are prohibited from being discussed in this House. I do not also think that Mr. Parameswaran Pillai intends that tanks under the control of the Palace should be brought within the purview of this resolution. Then the Chief Secretary said that, for certain reasons which may hereafter come to the notice of Government, he has to oppose this resolution in its amended form. I need hardly say again that we cannot seriously take that into consideration. If the spirit of the resolution is rightly understood both by the Government and the members of the House, I do not see why the Government front bench should hesitate in accepting the principle and the spirit of the resolution. If there is any particular objection in the case of any particular tank, that can be settled then by Government. The resolution has only a recommendatory effect. It is not a legislative enactment and Government are at liberty, for reasons which are convincing to the public at large, reasons based on public policy, not on grounds stated by the Chief Secretary, to exempt particular tanks.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): May I ask the member whether he can mention one or two tanks which are public tanks unattached to temples but which are not open to all classes of the public so that the House may understand what the tanks are that he has in mind?

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MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : Mr. A. K. Pillai informs me that there is the Quilon Cutcherry tank.

MR. K. K. THOMAS (*Kottayam*) : There is a tank in Kottayam called *Putukulam*.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : When a member thought of bringing such a resolution, he must have had some idea of a class of tanks which come under the resolution. I must confess that it is very refreshing to know that there is no tank which is not attached to a temple so far as Trivandrum and Neyyattinkara are concerned. I cannot speak of other tanks. I do not see any public tank in Trivandrum or Neyyattinkara which is not thrown open to the people.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : Will the member kindly say whether the Cutcherry tank at Quilon is the same as that referred to by Mr. Subba Aiyar ?

MR. A. K. PILLAI (*Karunagapalli*) : No, it is not.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Is there not an idol installed near the tank ?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : I do not know. I should consider it very expedient from the point of view of Government that they should throw open such tanks for all classes of people provided there is no objection from a religious point of view. That is just the reason why my friend has excluded such tanks. It may be that Government may meet with certain cases, which they cannot now divine, where there may be certain objections. But on that ground, we cannot say now that the tanks need not be thrown open. If there are satisfactory grounds which are not opposed to public policy, in that case Government may treat that tank exceptionally. However, I cannot divine the existence of any such tank or the reasons which may actuate Government.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : May I ask whether the member is aware of the funeral rites of certain communities being performed in particular tanks ? I am sorry the member was not here when I made my speech.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : I am not aware.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : I am sorry.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : If there are any such tanks and if Government cannot, consistent with public policy, throw open such tanks, Government can treat them exceptionally.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*) : How ?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It is not any legislation that we are enacting.

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): If the Government accepts the resolution, is there any safeguard ?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Government may devise safeguards not mentioned in the resolution.

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MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): So his view is that Government might devise any safeguard not mentioned in the resolution ?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : Yes.

PRESIDENT : Religious feelings or susceptibilities of any community in the country do come within the scope of public policy.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : In that case, there could be no objection on the part of Government to accept the spirit of the resolution and make exceptions in respect of public tanks wherever for reasons of public policy certain tanks may not be thrown open to all people.

PRESIDENT : I think the framer of the amendment recognised, as you do, that there are objections in particular cases which cannot be set down in the resolution itself.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : My own view is that the resolution simply aims at laying down a general policy for Government to act upon. Cases in which Government are constrained to treat exceptionally any particular tank will be rare and in such cases Government might well use their discretion. But as a general rule, the attention of Government is sought to be drawn to the disability on the part of certain classes of people to the use of public tanks generally. I take this resolution only as intending to lay down a general policy for Government to act upon, exceptional cases not being covered. In that spirit I accept the resolution as amended by Mr. Changanachery K. Parameswaran Pillai.

MR. C. P. THOMAS (*Nominated*) : Sir, with reference to one aspect of the amendment of Mr. Changanachery Parameswaran Pillai, I may say that Government laid down a general policy when the Education Code was brought into force. It was then recognised that all schools should be thrown open to all clsses of people. But, at the same time, in giving admission to certain classes of people to schools situated near temples, it was understood by Government that while accepting the general policy they cannot allow these classes of people from attending these schools. I think such a position is possible in this case also.

With regard to the amendment, proposed by the Chief Secretary, I just wanted to ask a question whether the last phrase could be modified into " objection on public grounds ". The wording may be changed like that instead of simply saying no " objection."

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : Sir, it was because Government recognised the desirability of accepting the spirit of the resolution that this suggestion was put forward. As Mr. G. Parameswaran Pillai himself admitted, there may be individual cases where it might be necessary to make an exception. Each case must be considered on its own merits. It is just to safeguard such individual cases that this qualification was sought to be added at the end of the resolution.

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**PRESIDENT**: There have been two amendments proposed. One is Mr. P. K. Narayana Pillai's and the other Mr. Changanachery Paramesvaran Pillai's. Mr. Tarakan, the mover of the original resolution, has accepted Mr. Paramesvaran Pillai's amendment and therefore his own resolution has gone out and is no longer before the House. As the earlier of the two, I put to the vote of the House, Mr. Narayana Pillai's amendment, which I shall read out to you:

"*This Council recommends to the Government that all tanks, which are maintained by the Government out of public funds, and over which no special rights have been created or recognised by the Government, be thrown open to the general public without distinction of caste, creed or religion, so long as such tanks are needed in the interests of the general public.*"

**MR. C. P. TARAKAN** (*Kunnathnad*): May I know whether the amendment moved by the Chief Secretary is before the House now?

**MR. K. NARAYANAN PANDALAY** (*Ag. Chief Secretary to Government*): It was not an amendment. It was only a suggestion.

**PRESIDENT**: That was a suggestion put forward by the Chief Secretary as acceptable to Government. That is not before the House.

**MR. A. K. PILLAI** (*Karunagapalli*): I just want to point out that, of the two amendments, the second is always put to vote first.

**PRESIDENT**: Not necessarily. The President has got a discretion.

**MR. K. C. MAMMEN MAPPILLAI** (*Commerce and Industry, North*): Sir, are Government members expected to vote for the amendment?

**PRESIDENT**: I believe they can vote, there is nothing to prevent them from voting.

Mr. P. K. Narayana Pillai's amendment was put to the vote and carried, 25 voting *for* and 19 *against*.

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The following resolution was not moved:

RESOLUTION *re* APPOINTMENT OF A COMMITTEE FOR ASCERTAINING THE METHODS OF AGRICULTURE AND INDUSTRIES IN FOREIGN COUNTRIES.

MR. C. P. TARAKAN:

This Council recommends to the Government that a committee, consisting of not more than four members, be appointed to travel in foreign countries such as Burma, China, Japan, America, Germany, France, Beglium, Switzerland, Austria and England for studying the methods of agriculture and industries in those countries and report on such of them as could advantageously be adopted in this country.

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**RAO BAHADUR K. V. RANGASWAMI AIYANGAR** (*Principal, College of Arts*): Sir, may I get a seat in the front row?

**PRESIDENT**: Yes.

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